

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/518,436) Confirmation No.:	8531
Applicant:	Yawata, et al.))
Filed:	December 16, 2004))
TC/A.U.:	3734))
Examiner:	Gettman, Christina Danielle))
Docket No.:	2553-USP-PCT-US))
Customer No.:	21378))
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STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Dear Sir:

An examiner interview in the above-identified application took place telephonically on September 11, 2007. The participants of the Examiner Interview were Christina D. Gettman, examiner at the U.S. Patent and Trademark Office, and David Majdali, attorney for Applicants. No exhibits were shown and no demonstrations were conducted. During the Examiner Interview, Claims 1, 2, 7, 15 and 28-33 were discussed, as was U.S. Patent No. 5,904,693 to Dicesare et al. Agreement was not reached with respect to the claims during the Examiner Interview.

More particular to the above, Examiner Gettman and Applicants' attorney discussed the fixed mating teeth of the ratchet mechanism, the differences between a one-way ratchet mechanism and a two-way ratchet mechanism, the two ratchet

mechanisms depicted in Dicesare '693, and the jaws of the clip applier of the present application.

Regarding the fixed teeth of the one-way ratchet mechanism of Claims 1 and 15 of the present Application, Applicants' attorney explained that the teeth described and claimed in the Application are fixed within the cartridge, whereas the ratchet teeth in Dicesare '693 move within the cartridge. Examiner Gettman indicated that an amendment needs to be added to define what the teeth are fixed relative to.

Regarding the one-way ratchet mechanism, Applicants' attorney explained the differences between the one-way ratchet mechanism claimed in the present application and the two-way ratchet mechanism depicted and described in Dicesare '693. More particularly, Applicants' attorney explained that the one-way ratchet of the present Application has a ratchet pawl that engages the ratchet teeth during a forward stroke of the ratchet and then, once the pawl reaches the last tooth, the pawl is released from the teeth and brought back to the original position, or starting position, during a return stroke in which the pawl does not engage the ratchet teeth. In comparison, the two-way ratchet mechanism of Dicesare '693 has a ratchet pawl that engages the ratchet teeth during both the forward stroke and the return stroke. Examiner Gettman recommended that Applicants add a limitation to the claims that in the return stroke, the pawl moves on a smooth edge opposite the mating teeth. To get over a potential rejection of a one-way ratchet with respect to the leaf springs of Dicesare '693, Examiner Gettman recommended that Applicants add a limitation to the independent claims that the ratchet pawl moves back to an original position.

Regarding a second ratchet mechanism that is mirror-image to the first ratchet mechanism, Applicants' attorney explained that the device pointed to in Dicesare '693, in the rejection in the Office action, is not two ratchet mechanisms, but is two rack and pinion elements. Examiner Gettman indicated that the rejection would be withdrawn with respect to Claims 28-33.

Regarding the jaws, Applicants' attorney indicated that Claims 1 and 15 of the present Application include jaws that are capable of being opened and closed, whereas the jaws of Dicesare '693 do not open and close. Examiner Gettman responded that as claimed, the opening and closing aspect of the jaws of Claims 1 and 15 is functional and that the issue is ripe for a 35 U.S.C. § 103 rejection.

Sincerely

APPLIED MEDICAL RESOURCES

BY



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